

# EXHIBIT 32



1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

4 NETLIST, INC., ( CAUSE NO. 2:21-CV-463-JRG  
5 Plaintiff, )  
6 vs. ( )  
7 SAMSUNG ELECTRONICS CO., LTD., ( )  
et al., ) MARSHALL, TEXAS  
Defendants. ) ( APRIL 21, 2023  
 ) 8:00 A.M.  
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10 VOLUME 6  
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13 TRIAL ON THE MERITS  
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15 BEFORE THE HONORABLE RODNEY GILSTRAP  
UNITED STATES CHIEF DISTRICT JUDGE  
and a jury  
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22 SHAWN McROBERTS, RMR, CRR  
100 E. HOUSTON STREET  
23 MARSHALL, TEXAS 75670  
(903) 923-8546  
24 shawn\_mcroberts@txed.uscourts.gov  
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1 not suggesting which party should win this case on any issue.  
2 If you find that Samsung has not infringed any valid asserted  
3 claim, then Netlist is not entitled to any damages. However,  
4 if you find that Samsung has infringed any valid asserted  
5 claim, you must then consider what amount of damages, if any,  
6 to award to Netlist.

7 The damages period for any infringement of the '339 and  
8 the '918 Patents in this case begins December the 20th, 2021,  
9 and runs through March of 2023. The damages period for any  
10 infringement of the '054 Patent begins on January the 25th,  
11 2022, and runs through March of 2023. The damages period for  
12 any infringement of the '060 and the '160 Patents in this case  
13 begins on May the 3rd, 2022, and runs through March of 2023.  
14 If you award damages, the amount you award must reflect the  
15 damages for acts of infringement during these periods of time  
16 only.

17 Netlist has the burden to establish the amount of its  
18 damages by a preponderance of the evidence. In other words,  
19 you should award only those damages that Netlist establishes  
20 that it more likely than not suffered as a result of Samsung's  
21 infringement, if any. While Netlist is not required to prove  
22 the amount of its damages with mathematical precision, it must  
23 prove them with reasonable certainty. Netlist is not entitled  
24 to damages that are remote or that are only speculative.

25 The damages that you award, if any, must be adequate to

1 I HEREBY CERTIFY THAT THE FOREGOING IS A  
2 CORRECT TRANSCRIPT FROM THE RECORD OF  
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES  
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE  
6 COURT AND THE JUDICIAL CONFERENCE OF THE  
7 UNITED STATES.

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9 S/Shawn McRoberts

04/21/2023

10 \_\_\_\_\_ DATE \_\_\_\_\_.  
11 SHAWN McROBERTS, RMR, CRR  
FEDERAL OFFICIAL COURT REPORTER

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